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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,270	07/12/2001	Peter Henrik Pedersen	PHP-168	2027
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SHERMAN D PERNIA, ESQ., PC 1110 NASA ROAD ONE SUITE 450 HOUSTON, TX 77058-3310			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,270

Applicant(s)

PEDERSEN, PETER HENRIK

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/12/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 21-23 are added in the preliminary amendment filed on 4/11/02. Claims 1-23 are presented for examination.
2. It is noted that although the present application contains line numbers in claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim with each claim beginning with line 1. For ease of reference by both the examiner and applicant all future correspondence should include the recommended line numbering.
3. One cited reference in information disclosure statement (IDS) dated on July 12, 2001 is incorrect (i.e., 5,763,033, Miloslavsky should be 5,765,033). Examiner has corrected it and considered the information disclosure statement.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The claim language in the following claims is not clearly understood:
 - i. As to claims 5 and 6, line 4, it is uncertain whether "the global communications network" refers to "a global network" line 2 or "a global digital communications network" in claim 1, lines 2-3;

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kamakura et al. (US 6,047,310), hereinafter referred to as Kamakura.

8. As to claim 1, Kamakura discloses an electronic message management system (11, fig. 3; col. 1, lines 8-12) comprising:

an electronic computer system (receiver terminal, 13, fig. 2; sender terminal, 14, fig. 2; distribution host computer; 11, fig. 2) in operative communication with a global digital communications network (network, 12, fig. 2) (col. 5, lines 53-64); and

an electronic message management database (relational database; col. 12, lines

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61-65; col. 1, lines 51-58; col. 6, lines 5-13 and 16-25) in operative communication with the computer system (figs. 4, 5; col. 6, lines 41-55; col. 7, lines 13-25).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamakura et al. (US 6,047,310), in view of Capps (US 6,711,682).

11. As to claim 2, Kamakura discloses wherein the electronic computer system further comprises:

a recipient profile (22, 24, fig. 3; fig. 8; fig. 11) for receiving recipient profile data (receiver attributes; age, sex, occupation; col. 2, lines 8-13; col. 4, lines 53-54) from recipients (receiver terminal, 13, fig. 2) via the global network (network, 12, fig. 2) (fig. 4; fig. 9; col. 1, lines 61-65; col. 2, lines 63-67; col. 6, lines 41-55; col. 8, lines 28-48; col. 10, lines 14-18) and storing the recipient data (fig. 11; storing medium; storing unit; col. 1, lines 51-58; col. 6, lines 16-25; col. 8, lines 36-48; col. 10, lines 18-38; relational database; col. 12, lines 61-65);

a messenger profile (sender profile, 32, fig. 3) for receiving messenger profile data (sender profile data; fig. 13) from messenger (sender terminal, 14, fig. 2) via the

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global network (network, 12, fig. 2) (register sender profile; S11, fig. 5; col. 11, lines 45-58) and storing the messenger data (fig. 17; storing medium; storing unit; col. 1, lines 51-58; col. 6, lines 16-25; col. 11, line 59 – col. 12, line 4; col. 13, line 64 – col. 14, line 9; relational database; col. 12, lines 61-65);

a message input (26, fig. 3) for receiving message files (advertisement documents) from a messenger (sender terminal, 14, fig. 2) via the global network (network, 12, fig. 2) (S12, fig. 5; col. 7, lines 16-25) and storing the message files (transmission advertisement document number; fig. 13; col. 6, lines 16-25; col. 13, lines 51-63; relational database; col. 12, lines 61-65); and

an individual message generator (23, fig. 3) in communication with the database (sends an inquiry composed of retrieval expressions to the database; col. 12, lines 61-65) and operative to access and utilize data and files from the database to generate an individual message to be sent via the global communications network to a recipient specified by a messenger (col. 7, lines 40-65; col. 12, lines 39-65).

12. Kamakura discloses a recipient sends (fig. 4; fig. 9; col. 6, lines 41-55; col. 8, lines 28-48; col. 10, lines 14-18) and stores recipient profile data (storing medium; storing unit; col. 1, lines 51-58; col. 6, lines 16-25; col. 8, lines 36-48; col. 10, lines 18-38; relational database; col. 12, lines 61-65); messenger transmits (register sender profile; S11, fig. 5; col. 11, lines 45-58) and stores messenger profile data (fig. 17; storing medium; storing unit; col. 1, lines 51-58; col. 6, lines 16-25; col. 11, line 59 – col. 12, line 4; col. 13, line 64 – col. 14, line 9; relational database; col. 12, lines 61-65); and

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message input sends (S12, fig. 5; col. 7, lines 16-25) and stores message file (col. 6, lines 16-25; col. 13, lines 51-63; relational database; col. 12, lines 61-65). However, Kamakura does not specifically use a word "application". Capps discloses applications (114, fig. 1; registration wizard; col. 1, lines 25-41; col. 3, lines 8-11 and 28-30; computer-executable instructions; col. 4, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kamakura and Capps because Capps's application would improve the performance of Kamakura's system by allowing the system to provide computer instructions to execute the tasks, thereby improving the performance of fast data transfer between the client and server.

Kamakura discloses information is stored in a relational database and retrieved from the database (relational database; col. 12, lines 61-65). However, Kamakura does not specifically disclose storing data in the database. Capps discloses storing data in the database (data source; 118, 122; fig. 1; col. 3, lines 15-17 and 31-34; col. 8, lines 46-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kamakura and Capps because Capps' storing data in database would improve speed of search by allowing the user to flexibly and easily search and inquire by writing simple queries.

13. As to claim 3, Kamakura does not specifically disclose message management server operating system. However, Capps discloses message management server

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operating system (112, fig. 1; col. 3, lines 11-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kamakura and Capps because Capps's operating system would improve the performance of Kamakura's system by quickly supporting the application.

14. As to claim 4, it is rejected for the same reasons set forth in claim 2 above. Kamakura discloses wherein the message management database (relational database; col. 12, lines 61-65; col. 1, lines 51-58; col. 6, lines 5-13 and 16-25) further comprises recipient and messenger profile storages for storing recipient (storing medium; storing unit; col. 1, lines 51-58; col. 6, lines 16-25; col. 8, lines 36-48; col. 10, lines 18-38) and messenger profile data (storing medium; storing unit; col. 1, lines 51-58; col. 6, lines 16-25; col. 11, line 59 – col. 12, line 4) respectively, and a message storage for storing message data files (col. 6, lines 16-25; col. 13, lines 51-63).

15. As to claim 5, it is rejected for the same reasons set forth in claim 2 above. In addition, Kamakura discloses a global network (12, fig. 2) interactive recipient profile input form (fig. 8), the recipient profile input form being accessible to a recipient computer via global communications network (S20, S22, fig. 9; S30, S31, S36, fig. 10; fig. 12; col. 6, lines 41-55; col. 8, line 67 – col. 9, line 7; col. 9, lines 31-41 and 65-67).

16. As to claim 6, it is rejected for the same reasons set forth in claim 2 above. In addition, Kamakura discloses a global network interactive messenger profile input form

(fig. 13; fig. 17), the messenger profile input form being accessible to a messenger computer via the global communications network (fig. 14; col. 7, lines 13-25; col. 12, lines 39-55; col. 13, line 64 – col. 14, line 9).

17. As to claim 7, it is rejected for the same reasons set forth in claim 2 above. In addition, Kamakura discloses message input form being accessible to a messenger computer via a global communications network (26, fig. 3; register transmission advertisement document; S12, fig. 5; transmission advertisement document number, fig. 13; col. 7, lines 13-25).

18. As to claims 8-10, it is rejected for the same reasons set forth in claim 2 above. In addition, Kamakura discloses a network interface (network interface card connects a terminal to network; fig. 2; col. 5, lines 53-64) and editor for manipulating the recipient profile, sender profile, and message (col. 16, lines 51-61; col. 18, lines 64-67).

19. As to claim 11, it is rejected for the same reasons set forth in claim 1 above. In addition, discloses a method of inputting data into a message management system (11, figs. 2-3) from client computers (receiver terminal, 13, fig. 2; sender terminal, 14, fig. 2) via a global communication network (network, 12, fig. 2), to centrally manage the distribution (col. 4, lines 35-57) and delivery format of electronic message from multiple messenger sources to multiple individual recipients (col. 5, lines 16-20), comprising the steps of:

providing the client computers (receiver terminal, 13, fig. 2; sender terminal, 14, fig. 2) with access to the message management system via a global communications network, where the client computers are messenger (sender terminal, 14, fig. 2) and recipient computers (receiver terminal, 13, fig. 2) (col. 5, lines 53-64);

connecting the client computer to the message management system via the global communication network (fig. 2; fig. 3; col. 5, lines 53-64);

prompting the client computer for the data to be input by providing a data input form to the client computer (col. 4, lines 35-57; col. 6, lines 41-55; col. 7, lines 13-25);
and

accepting input data from the client computer (S20, fig. 9; S30, fig. 10; fig. 12) and entering the input data (fig. 11; fig. 13; col. 6, lines 45-55; col. 10, lines 18-38).

20. Kamakura does not specifically disclose receiving a connectivity request from a client computer for access to the message management system to input data. However, Capps disclose receiving a connectivity request from a client computer for access to the message management system to input data (col. 3, lines 21-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kamakura and Capps because Capps's connectivity request would improve the communication performance between client and system by allowing the client to set up a communication link every time as needed.

Kamakura discloses information is stored in a relational database and retrieved from the

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database (relational database; col. 12, lines 61-65). However, Kamakura does not specifically disclose storing data in the database. Capps discloses storing data in the database (data source; 118, 122; fig. 1; col. 3, lines 15-17 and 31-34; col. 8, lines 46-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kamakura and Capps because Capps' storing data in database would improve speed of search by allowing the user to flexibly and easily search and inquire by writing simple queries.

21. As to claim 12, Kamakura discloses wherein the prompting step includes providing an input form (fig. 8; fig. 13) to the client computer (13, 14, fig. 2) (col. 6, lines 41-55; col. 7, lines 13-25).

22. As to claim 13, Kamakura discloses a recipient profile form (fig. 8), a messenger profile form (fig. 13; fig. 17), and a message input form (26, fig. 3; register transmission advertisement document; S12, fig. 5; transmission advertisement document number, fig. 13; col. 7, lines 13-25).

23. As to claim 14, it is rejected for the same reasons set forth in claim 11. In addition, Kamakura discloses a recipient profile storage (storing medium; storing unit; col. 1, lines 51-58; col. 6, lines 16-25; col. 8, lines 36-48; col. 10, lines 18-38; relational database; col. 12, lines 61-65), a messenger profile storage (fig. 17; storing medium; storing unit; col. 1, lines 51-58; col. 6, lines 16-25; col. 11, line 59 – col. 12, line 4; col.

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13, line 64 – col. 14, line 9; relational database; col. 12, lines 61-65), and a message storage (col. 6, lines 16-25; col. 13, lines 51-63; relational database; col. 12, lines 61-65).

24. As to claim 15, it is rejected for the same reasons set forth in claim 2 above. In addition, Kamakura discloses receiving and storing a plurality of messenger specific profiles (sender profile; fig. 13) indicating delivery parameters for where, when and how specific type of messages from each messenger must be delivered to a recipient (distributing the profile of the sender along with advertisement information to the receiver; col. 2, lines 48-54).

25. As to claim 16, it is rejected for the same reasons set forth in claim 2 above. In addition, Kamakura discloses receiving and storing messenger profile data, including messenger identifying data (26, fig. 3; register transmission advertisement document; S12, fig. 5; transmission advertisement document number, fig. 13; col. 7, lines 13-25).

26. As to claim 17, it is rejected for the same reasons set forth in claim 2 above. In addition, Kamakura discloses recipient identifications (receiver ID; fig. 11) and recipient profile, which messages to deliver to the recipients and profiles stored (col. 1, lines 61-65; col. 2, lines 63-67; col. 6, lines 41-55; col. 8, lines 28-48; col. 10, lines 14-18).

27. As to claim 18, it is rejected for the same reasons set forth in claim 2 above. In

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addition, Kamakura discloses recipient identifications (receiver ID; fig. 11) and recipient profiles who are prevented from receiving a message from the messenger (reception restriction; fig. 11; col. 2, lines 63-67; col. 10, line 39 – col. 11, line 6).

28. As to claim 19, it is rejected for the same reasons set forth in claim 2. In addition, Kamakura discloses wherein the individual message generator communicates with the database (sends an inquiry composed of retrieval expressions to the database; col. 12, lines 61-65) to identify messages and messenger parameters that are compatible with a recipient profile, and to configure the messages for delivery to the recipient (select a sender of information that satisfies the desired conditions of the receivers; col. 2, lines 3-16 and 25-27; col. 4, lines 44-48; col. 17, lines 27-33).

29. As to claims 20-23, Kamakura discloses wherein the individual message generator generates and sends the individual message via a means selected from the group consisting of: electronic mail, voice telephone, facsimile transmission, and digital transmission (col. 1, lines 8-12).

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Smith et al, patent 6,463,462, Herz et al, patent 6,571,279, Cook, patent 6,732,101,

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Schiavone et al, 2002/0120692, Owens et al, 2005/0002503, Owens et al, patent 6,023,700 disclose a method and system for distributing electronic messages based upon delivery preference of recipient.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JWC
February 3, 2005